

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

In re:)	Chapter 11
)	
EASTERN LIVESTOCK CO., LLC, et al., ¹)	Case No. 10-93904-BHL-11
)	
Debtors.)	JOINTLY ADMINISTERED

**APPLICATION TO EMPLOY KEN BYRD REALTY & AUCTION, INC.
AS AUCTIONEER**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), respectfully moves this Court for an order authorizing the Trustee to employ Ken Byrd Realty & Auction, Inc. ("Ken Byrd Auction") as auctioneer pursuant to the terms and conditions of the Auction Listing Contract (the "Agreement") attached as Exhibit A and Rule B-6005-1 of the Local Rules of the United States Bankruptcy Court for the Southern District of Indiana ("Rule B-6005-1"). In support of this application ("Application"), the Trustee respectfully represents the following:

1. Eastern Livestock Co., LLC ("Debtor") owns certain real estate located in Harrison County, Indiana and commonly known as 8394 Tandy Road, Lanesville, Indiana (the "Real Estate").

2. The Trustee and Peoples Bank & Trust Company of Pickett County ("Peoples") are parties to that certain Settlement Agreement dated January 27, 2012 (the "Settlement Agreement") by which, subject to Court approval, the Trustee agreed to seek authority to hire Ken Byrd Auction to conduct an auction sale of the Real Estate. This Application is filed pursuant to the terms of and in furtherance of the Settlement Agreement.

¹ The Debtor entities are Eastern Livestock Co., LLC and Okie Farms, L.L.C.

3. The Trustee believes, in his business judgment that an auction sale of the Real Estate pursuant to the terms and conditions of the Agreement and the Settlement Agreement will result in the greatest recovery for Debtor's estate.

4. The Trustee also believes that allowing the successful bidder at the auction sale of the Real Estate to pay 10% of the winning bid at the auction, with the remaining 90% to be paid within thirty (30) days (all as provided in the Agreement), will incentivize bidding and maximize the purchase price to be realized from the sale of the Real Estate. Accordingly, the Trustee asks that, for purposes of Rule B-6005-1, the "date of sale" of the Real Estate be deemed to occur upon the earlier of i) the date that Ken Byrd Auction receives the "Gross Sales Proceeds" and ii) the date the Trustee receives his share of the "Net Sales Proceeds" (if Peoples submits the successful bid at the auction).²

4. Ken Byrd Auction is duly qualified to conduct an auction sale of the Real Estate.

5. The Trustee has been informed and believes that Ken Byrd Auction is disinterested as that term is defined in 11 U.S.C. § 101. Ken Byrd Auction neither represents nor holds any interest adverse to the interests of the bankruptcy estate with respect to the matters on which Ken Byrd Auction is to be employed.

6. Ken Byrd Auction is aware of the provisions of 11 U.S.C. § 328, and has agreed, notwithstanding the terms and conditions of employment set forth in this Application, that the Court may allow compensation different from the terms provided in the Application if the terms and conditions prove to have been improvident in light of developments which could not have been anticipated at the time the terms and conditions were fixed.

² "Gross Sales Proceeds" and "Net Sales Proceeds" are defined in the Settlement Agreement. *See* Dock. No. 990.

7. Because the Trustee is unable to determine the gross proceeds likely to be realized from the sale of the Real Estate, the Trustee requests that the order approving this Application waive the bond requirement contained in Rule-B-6005-1.

WHEREFORE, the Trustee respectfully requests that the Court enter an order approving the employment of Ken Byrd Auction on the terms and conditions described herein and grant the Trustee all other just and proper relief.

Respectfully submitted,

FAEGRE BAKER DANIELS, LLP

By: /s/ Dustin R. DeNeal

Counsel for James A. Knauer, Chapter 11 Trustee

James M. Carr (#3128-49)
Kevin Toner (#11343-49)
Terry E. Hall (#22041-49)
Harmony Mappes (# 27237-49)
Dustin R. DeNeal (#27535-49)
300 N. Meridian Street, Suite 2700
Indianapolis, IN 46204-1782
Telephone: (317) 237-0300
Facsimile: (317) 237-1000
jim.carr@bakerd.com
kevin.toner@bakerd.com
terry.hall@bakerd.com
harmony.mappes@bakerd.com
dustin.deneal@bakerd.com

Wendy W. Ponader (#14633-49)
600 East 96th Street, Suite 600
Indianapolis, IN 46240
Telephone: (317) 569-9600
Facsimile: (317) 569-4800
wendy.ponader@bakerd.com

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

David L. Abt
davidabt@mwt.net

Mark A. Robinson
mrobinson@vhlaw.com

Randall D. LaTour
rdlatour@vorys.com

Daniel J. Donnellon
ddonnellon@ficlaw.com

John W. Ames
james@bgdlegal.com

Jeremy S Rogers
Jeremy.Rogers@dinslaw.com

Meredith R. Thomas
mthomas@daleeke.com

Charles R. Wharton
Charles.R.Warton@usdoj.gov

David L. LeBas
dlebas@namanhowell.com

Jessica E. Yates
jyates@swlaw.com

Laura Day Delcotto
ldelcotto@dlgfir.com

Ross A. Plourde
ross.plourde@mcafeetaft.com

Todd J. Johnston
tjohnston@mcjllp.com

Karen L. Lobring
lobring@msn.com

Elliott D. Levin
edl@rubin-levin.net

Sean T. White
swhite@hooverhull.com

Michael W. McClain
mike@kentuckytrial.com

James Edwin McGhee
mcghee@derbycitylaw.com

Jerald I. Ancel
jancel@taftlaw.com

David Alan Domina
dad@dominalaw.com

C. R. Bowles, Jr
cbowles@bgdlegal.com

Jeffrey R. Erler
jeffe@bellnunnally.com

John R. Carr, III
jrciii@acs-law.com

Stephen A. Weigand
sweigand@ficlaw.com

Robert Hughes Foree
robertforee@bellsouth.net

Ivana B. Shallcross
ishallcross@bgdlegal.com

William Robert Meyer, II
rmeyer@stites.com

James Bryan Johnston
bjtexas59@hotmail.com

Judy Hamilton Morse
judy.morse@crowedunlevy.com

John Huffaker
john.huffaker@sprouselaw.com

Kelly Greene McConnell
lisahughes@givenspursley.com

Walter Scott Newbern
wsnewbern@msn.com

Timothy T. Pridmore
tpridmore@mcjllp.com

Sandra D. Freeburger
sfreeburger@dsf-atty.com

John M. Rogers
johnr@rubin-levin.net

Robert H. Foree
robertforee@bellsouth.net

William E Smith
wsmith@k-glaw.com

Thomas C Scherer
tscherer@binghamchale.com

Jeffrey J. Graham
jgraham@taftlaw.com

Kent A Britt
kabritt@vorys.com

John Hunt Lovell
john@lovel-law.net

Edward M King
tking@fbtlaw.com

Bret S. Clement
bclement@acs-law.com

John Frederick Massouh
john.massouh@sprouselaw.com

Kim Martin Lewis
kim.lewis@dinslaw.com

Deborah Caruso
dcaruso@daleeke.com

Allen Morris
amorris@stites.com

James T. Young
james@rubin-levin.net

John M. Thompson
john.thompson@crowedunlevy.com

Matthew J. Ochs
matt.ochs@moyewwhite.com

T. Kent Barber
kbarber@dlgfir.com

Kirk Crutcher
kcrutcher@mcs-law.com

Theodore A Konstantinopoulos
ndohbky@jbandr.com

Lisa Koch Bryant
courtmail@fbhlaw.net

John David Hoover
jdhoover@hooverhull.com

Sarah Stites Fanzini
sfanzini@hopperblackwell.com

Susan K. Roberts
skr@stuartlaw.com

David A. Laird
david.laird@moyewwhite.com

Trevor L. Earl
tearl@rwsvlaw.com

Joshua N. Stine
jnstine@vorys.com

Jill Zengler Julian
Jill.Julian@usdoj.gov

Michael Wayne Oyler
moyler@rwsvlaw.com

James E. Rossow
jim@rubin-levin.net

Steven A. Brehm
sbrehm@bgdlegal.com

James M. Carr
james.carr@faegrebd.com

Shawna M. Eikenberry
shawna.eikenberry@faegrebd.com

James A. Knauer
jak@kgrlaw.com

Christie A. Moore
cmoore@bgdlegal.com

Jeffrey E. Ramsey
jramsey@hopperblackwell.com

Joseph H. Rogers
jrogers@millerdollarhide.com

Andrew D. Stosberg
astosberg@lloydmc.com

Andrea L. Wasson
andreawassonatty@gmail.com

Jeffrey L. Hunter
jeff.hunter@usdoj.gov

Jason W. Cottrell
jwc@stuartlaw.com

James B. Lind
jblind@vorys.com

Anthony G. Raluy
traluy@fbhlaw.net

Jack S. Dawson
jdawson@millerdollarhide.com

Terry E. Hall
terry.hall@faegrebd.com

Erick P. Knoblock
eknoblock@daleeke.com

Shiv Ghuman O'Neill
shiv.oneill@faegrebd.com

Eric C. Redman
ksmith@redmanludwig.com

James E. Smith
jsmith@smithakins.com

Kevin M. Toner
kevin.toner@faegrebd.com

Christopher M. Trapp
ctrapp@rubin-levin.net

Amelia Martin Adams
aadams@dlgfir.com

Robert A. Bell
rabell@vorys.com

Melissa S. Giberson
msgiberson@vorys.com

Christopher E. Baker
cbaker@hklawfirm.com

Dustin R. DeNeal
dustin.deneal@faegrebd.com

Jay Jaffe
jay.jaffe@faegrebd.com

Harmony A. Mappes
harmony.mappes@faegrebd.com

Wendy W. Ponader
wendy.ponader@faegrebd.com

Joe T. Roberts
jratty@windstream.net

Robert K. Stanley
robert.stanley@faegrebd.com

U.S. Trustee
ustpreion10.in.ecf@usdoj.gov

Eric W. Richardson
ewrichardson@vorys.com

I further certify that on February 21, 2012, a copy of the foregoing pleading was served via electronic mail transmission on the following:

Ashley S. Rusher
asr@blancolaw.com

Darla J. Gabbitas
darla.gabbitas@moyewwhite.com

/s/ Dustin R. DeNeal